



# Land Use Planning in Vermont

Presentation to the Study Committee on  
Land Use Regulation and Forest Integrity

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Department of Housing and Community Development

August 18th, 2016



No. 107.—AN ACT TO PROVIDE FOR PLANNING COMMISSIONS IN CITIES, TOWNS AND VILLAGES.

[H. 111]

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. *Creation and membership.* Any city, town or incorporated village is hereby authorized to create a

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PUBLIC ACTS

[No. 107]

commission to be known as the municipal planning commission, by resolution of the voters at the annual city, town or village meeting or at a special meeting duly warned for the purpose.

When such a commission is created, it shall consist of five persons. The mayor, chairman of the board of selectmen, president of the village or chairman of the board of village trustees, as the case may be, shall be ex officio one of the members of the commission during his term of office. The other four commissioners shall be appointed in cities, by the mayor; in towns, by the board of selectmen; and in villages, by the village trustees. Said appointed commissioners shall be appointed for the term of four years, except that when the commission is created, one commissioner shall be appointed for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Any appointment to fill a vacancy shall be for the unexpired term.

SEC. 2. *Expenses; assistance; reports.* The body creating a municipal planning commission shall, by ordinance or resolution, provide what compensation, if any, each of such commissioners shall receive for his services. The commission shall have authority to employ such expert and clerical assistance as may be necessary to accomplish the purposes for which it was created, provided that the total cost for the same shall not exceed the appropriation that may be made by the city, town or incorporated village for the use of said commission. Each city town or incorporated village is hereby authorized to make such appropriations as it may see fit for such compensation and assistance, such appropriation to be made by those officers or bodies in such city, town or incorporated village having charge of the appropriation of the public funds.

The commission shall make an annual report to the body which created it.

SEC. 3. *Powers.* The commission shall have power except as otherwise provided by law:

1. To prepare or acquire a comprehensive plan for the future development of the city, town or incorporated village which shall be based primarily upon convenience, utility and public welfare.

When said plan shall be adopted by the voters of a city, town or incorporated village at the annual city, town or village meeting or at a special meeting duly warned for the purpose, it shall be known and designated as the official municipal plan; and no highway, street, bridge, viaduct, park, playground, square, statue, monument, street fixture, park fixture, sewerage system, water system, public building, or any other public improvement proposed to be erected

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or constructed wholly or in part from public funds and not included in said plan as adopted by the municipality, shall be authorized to be erected or constructed within the municipality until the location of the same has been submitted to the planning commission for its approval or disapproval.

Said plan shall be deemed to be approved by the commission if reasons for disapproval are not transmitted to the city council, selectmen, or village trustees as the case may be, within thirty days after they are received by the commission. In case of disapproval, the commission shall transmit its reasons for disapproval in writing to the city council, selectmen or village trustees who may, by a majority vote, overrule such disapproval.

2. From time to time to prepare and recommend to the proper officers of the municipality such amendments to the official municipal plan as in its judgment shall be necessary or desirable.

3. To recommend to the governing authority of the municipality such ordinances, resolutions or bylaws for the division of the municipality into districts or zones based upon the height, ground area and use of buildings and structures as may be consistent with existing law.

SEC. 4. This act shall take effect from its passage.

Approved February 22, 1921.

1850: Pop. 314,120

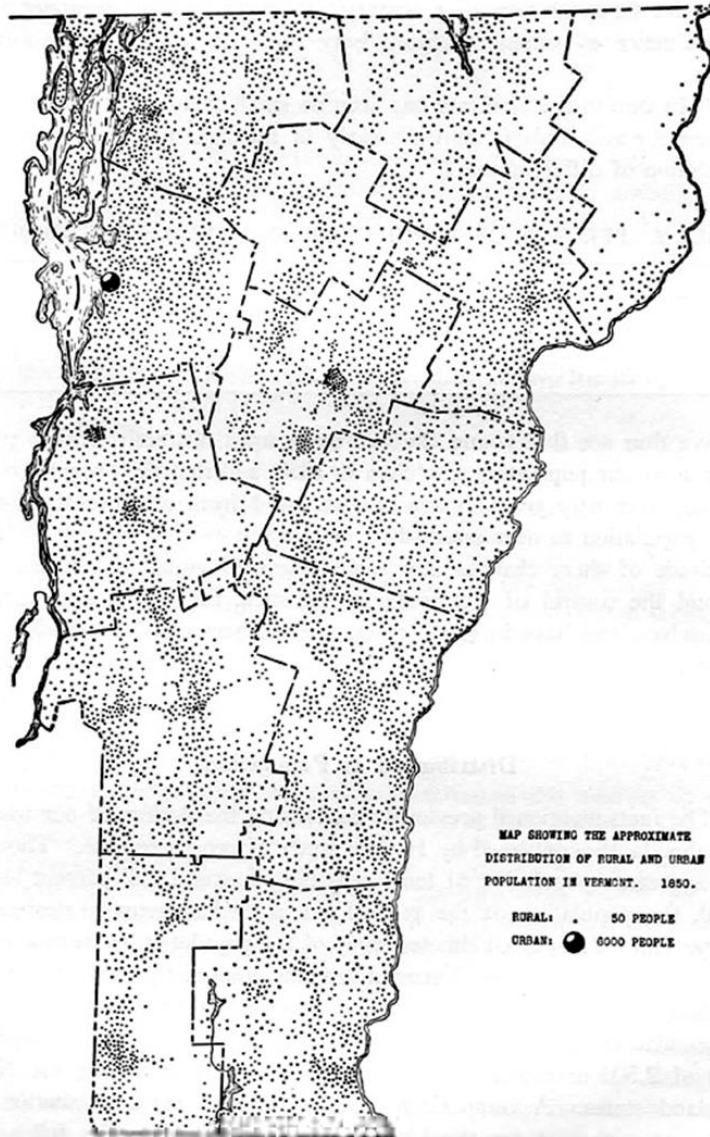


FIG. 1. This map shows the approximate distribution of the 314,120 people who lived in Vermont in 1850. Comparison with Fig. 2 shows the thinning of population in rural areas and its concentration in the cities and larger villages.

1930: Pop. 359,611

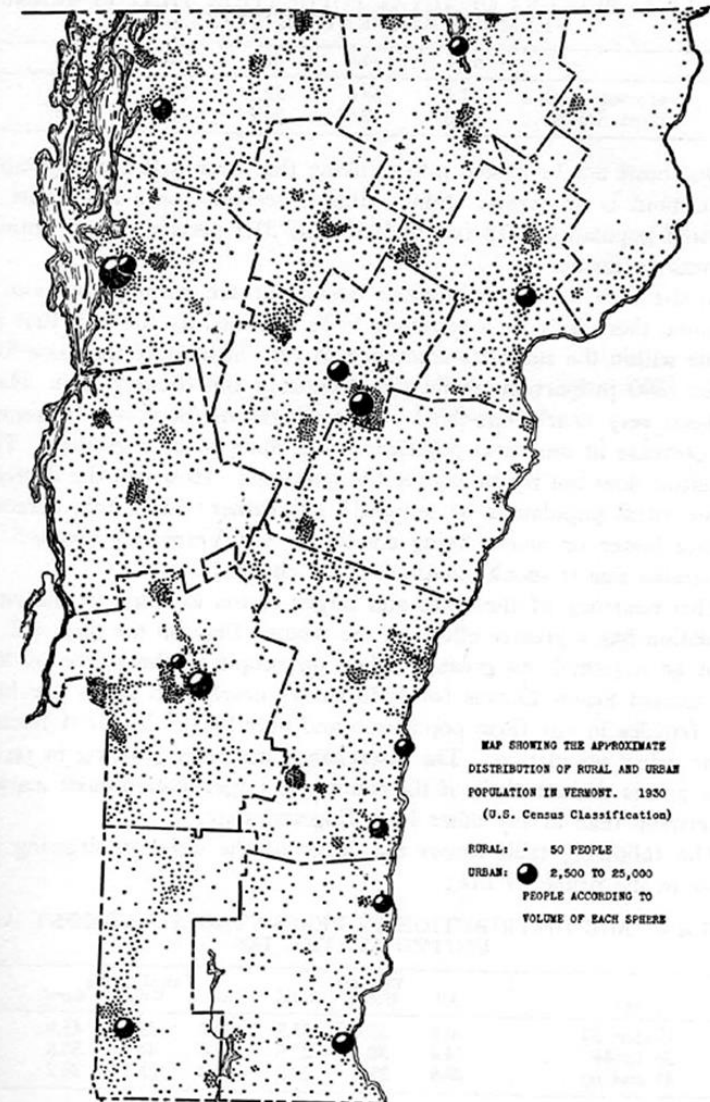


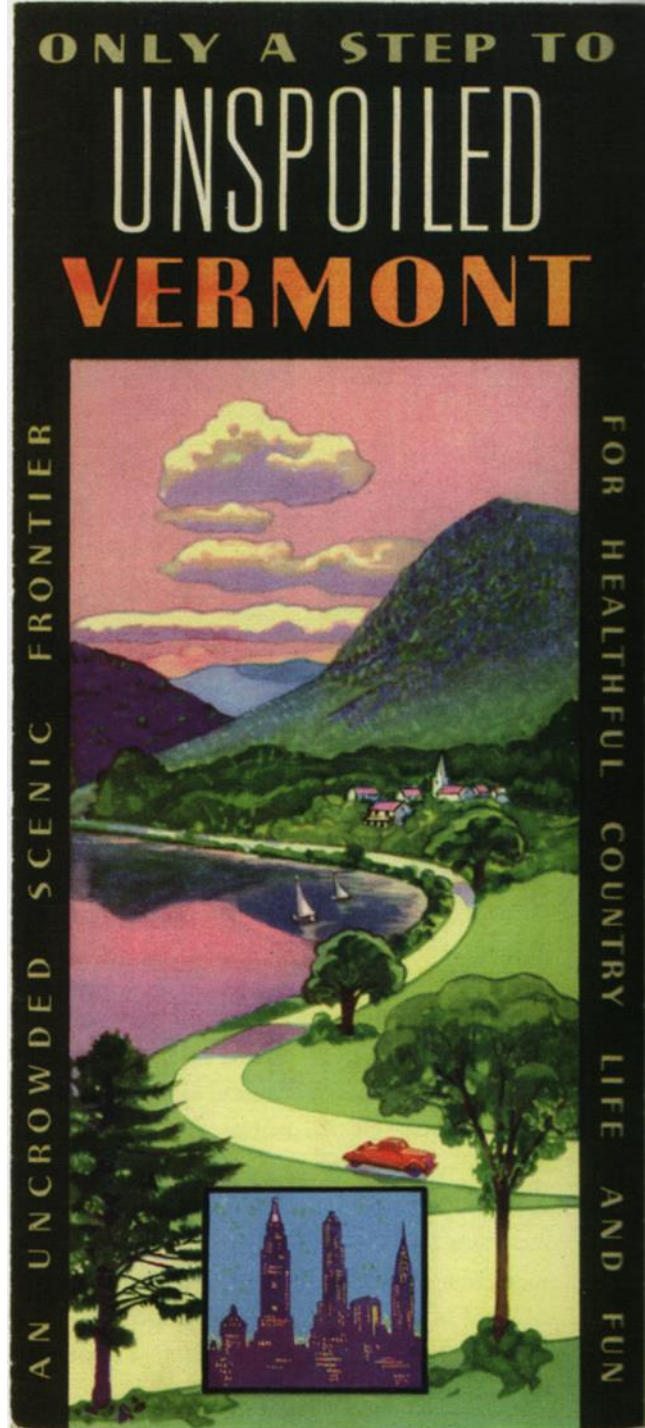
FIG. 2. This map shows the approximate distribution of the 359,611 people who lived in Vermont in 1930. Though rural population has decreased materially since 1850, the population of the state as a whole has increased more than 14 percent.





‘Protection to Watersheds.—As a protection to the watersheds and from floods, **the value of the town forest cannot be overestimated**....the forest serves the double purpose of protecting the water supply and yielding a valuable crop of lumber from land which otherwise would be wasted.... The Vermont laws now **authorize towns to create municipal forests.**’

**Town Planning: A Program of Civic  
Preparedness for Vermont Communities  
(1919) -K.R.B. Flint**



“much of Vermont's prosperity has been directly attributable to her forests and wood-using industries. At the present time, **there are many disturbing elements in the situation which warrant study.**”

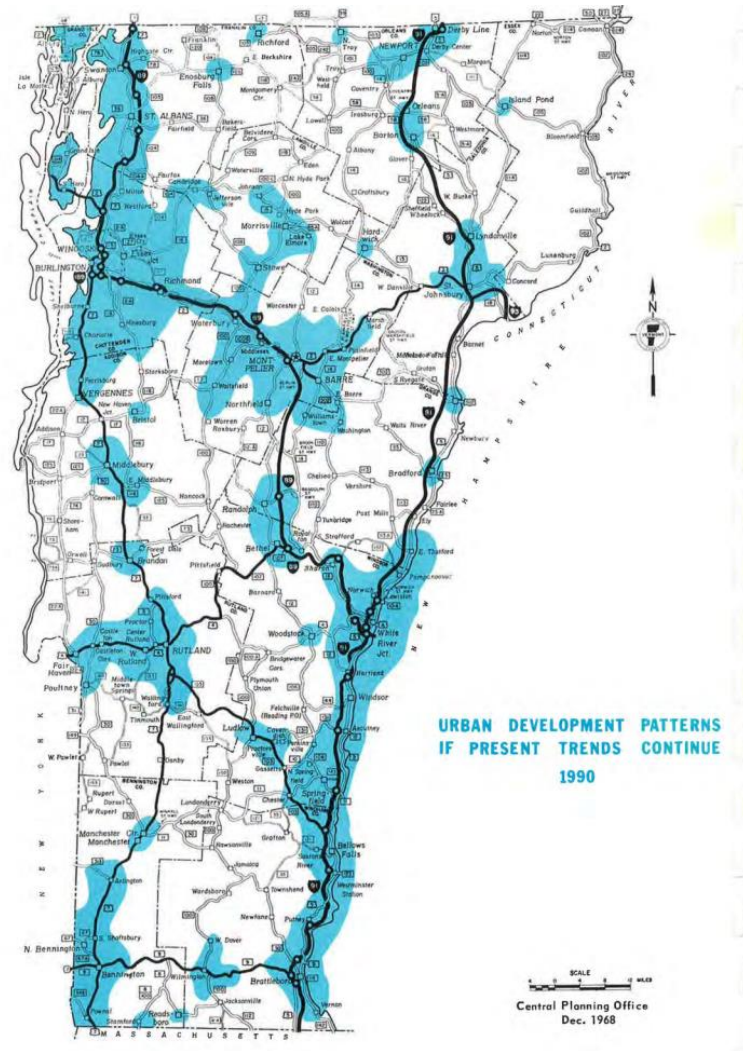
-The Vermont Commission on Country Life (1931)



# Planning and Development Act (1967) and Act 200 (1988)

**“To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.”**

24 V.S.A. Chapter 117  
§ 4302. Purpose; goals



# State Planning Goals 24 V.S.A. §4302

## 14 GOALS

(6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

...

**(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.**

(9) To encourage and strengthen agricultural and forest industries...



# Regional Planning

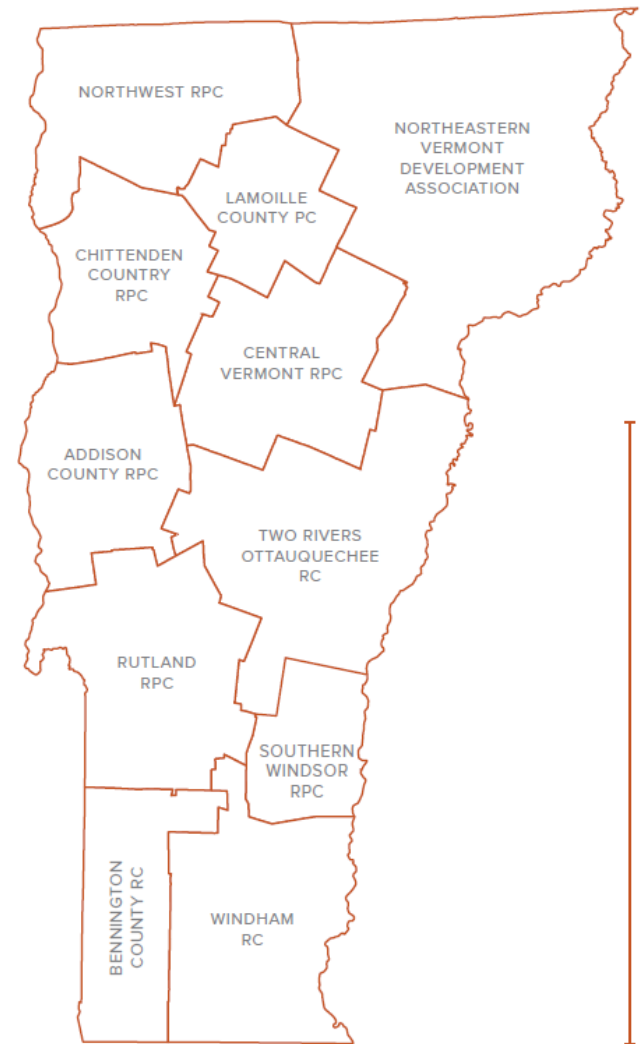
**RPCs *shall* adopt regional plans.**

➤ **8** Year Plans

➤ **12** Elements

➤ **Shall** be consistent with state goals

➤ Regulatory authority?



# Regional Plan Elements 24 V.S.A. §4348

## 12 Elements

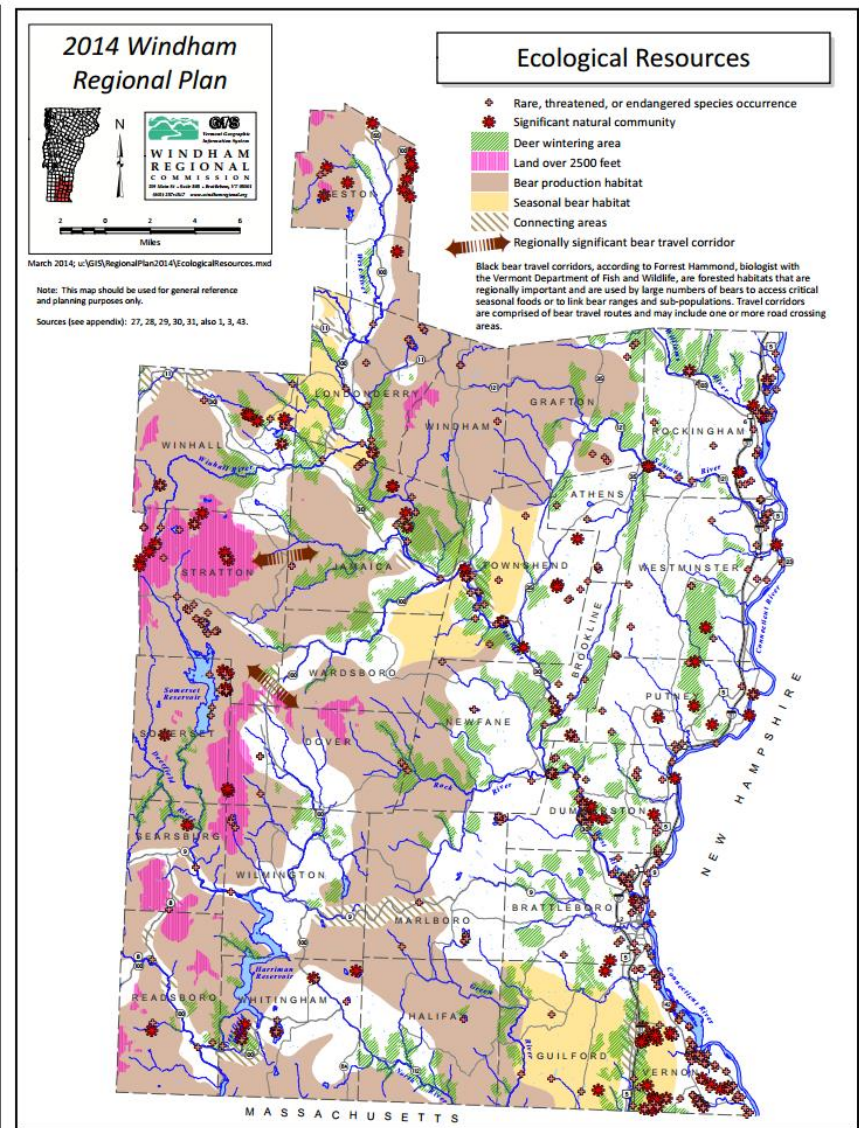
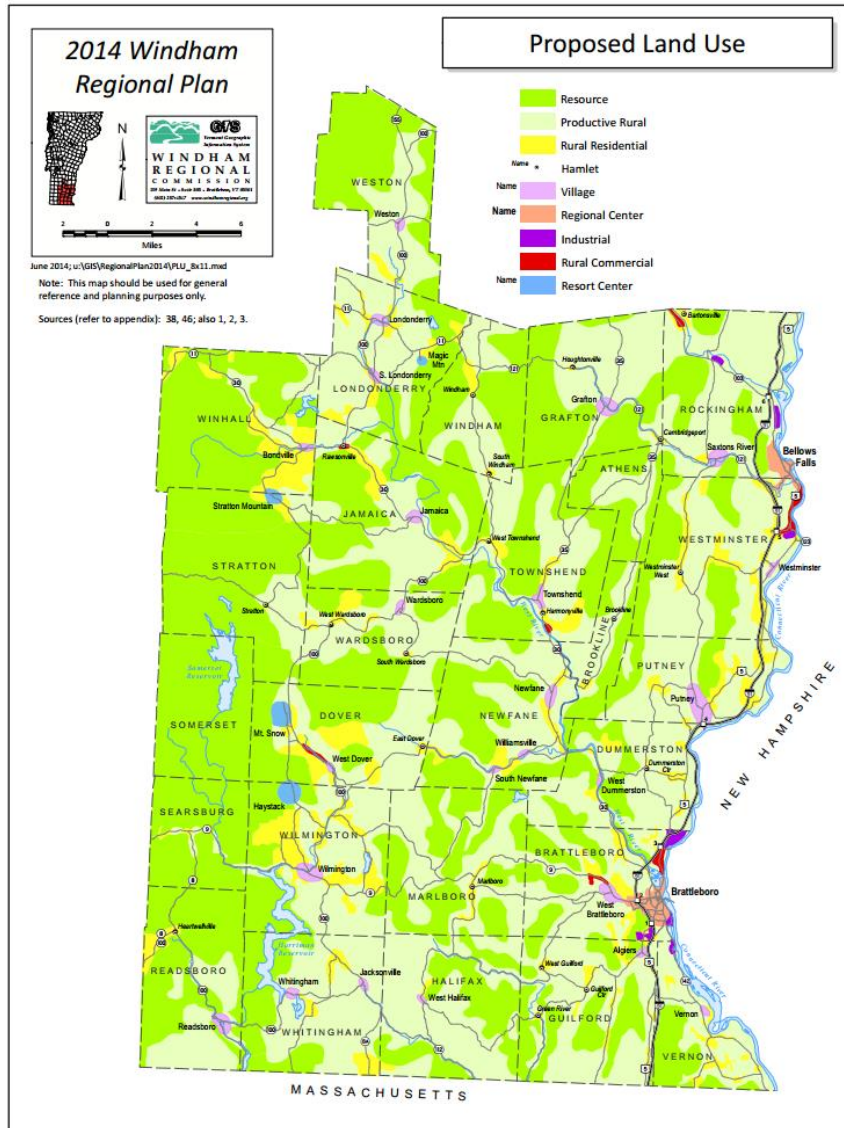
(2) A land use element....

(A) Indicating those areas proposed for forests, recreation, .... and areas which require special consideration for aquifer protection, wetland protection, or for other conservation purposes....

(F) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests....



# Regional Plan Elements 24 V.S.A. §4348



# A municipality may plan, if does it shall...



## MUNICIPAL PLANS IN VERMONT

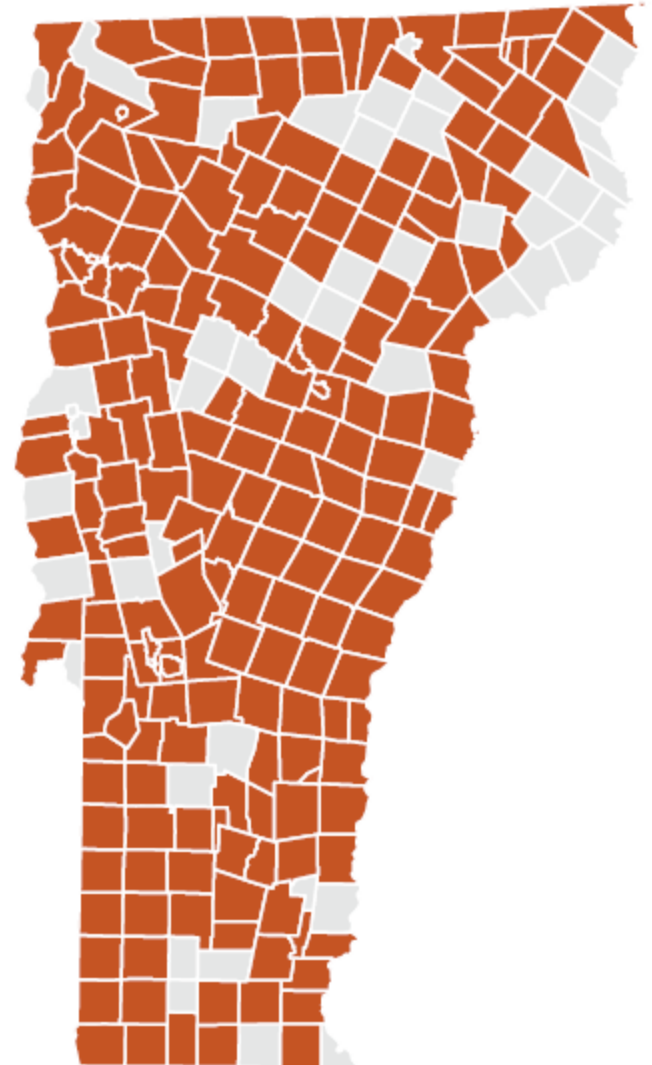
PLANNING & Development Act – 1967 & 1988 Amendments



# Municipal Planning

**Municipalities ‘may’ plan**  
**If they do, they shall...**

- **12** plan elements
- **8** year expirations
- Confirmation by RPC (Optional)
  - Municipal Planning Grant
  - Impact Fees
  - Designation eligibility



# Municipal Plan Elements 24 V.S.A. §4382

## 12 Elements

A land use plan for a municipality must now indicate those **areas “identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; or for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes,”**

as well as “indicate those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests”





## State Planning Goals

The state has 14 specific planning goals.



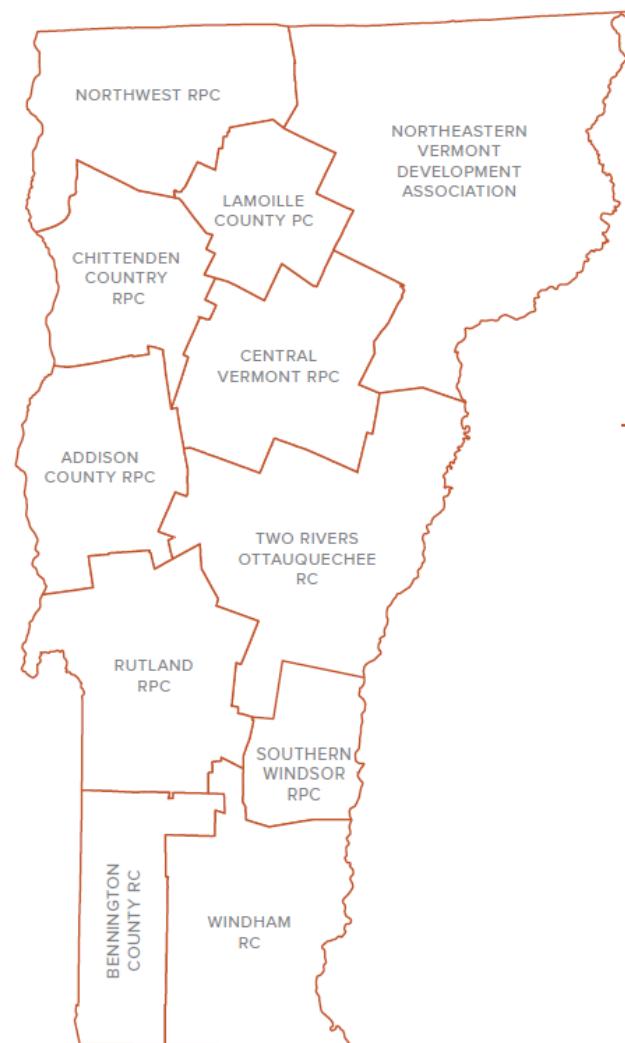
## Regional Plans

Regional plans must be consistent with the state planning goals.



## Municipal Plans

In order to have a regionally approved plan, municipal plans must be compatible with the regional plan and consistent with the state planning goals.



## Population



POPULATION OF VERMONT TOWNS

Population

Median population: 1,222

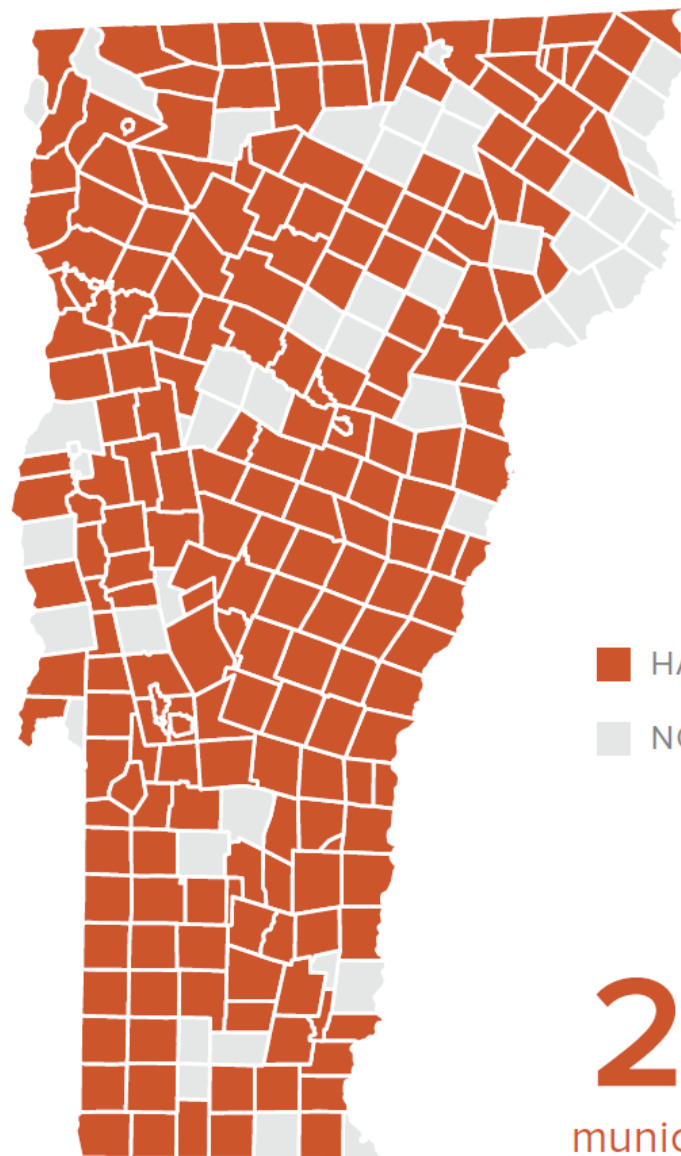


POPULATION OF VERMONT TOWNS



# Municipal Plans in Vermont

Regionally approved plans



 HAVE A PLAN

 NO PLAN

**209**  
municipal plans

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## Municipal Plans in Vermont

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VOLUNTEERS **5000**



**\$90 Billion**

Property Value

# Regulatory Implementation of the Municipal Plan

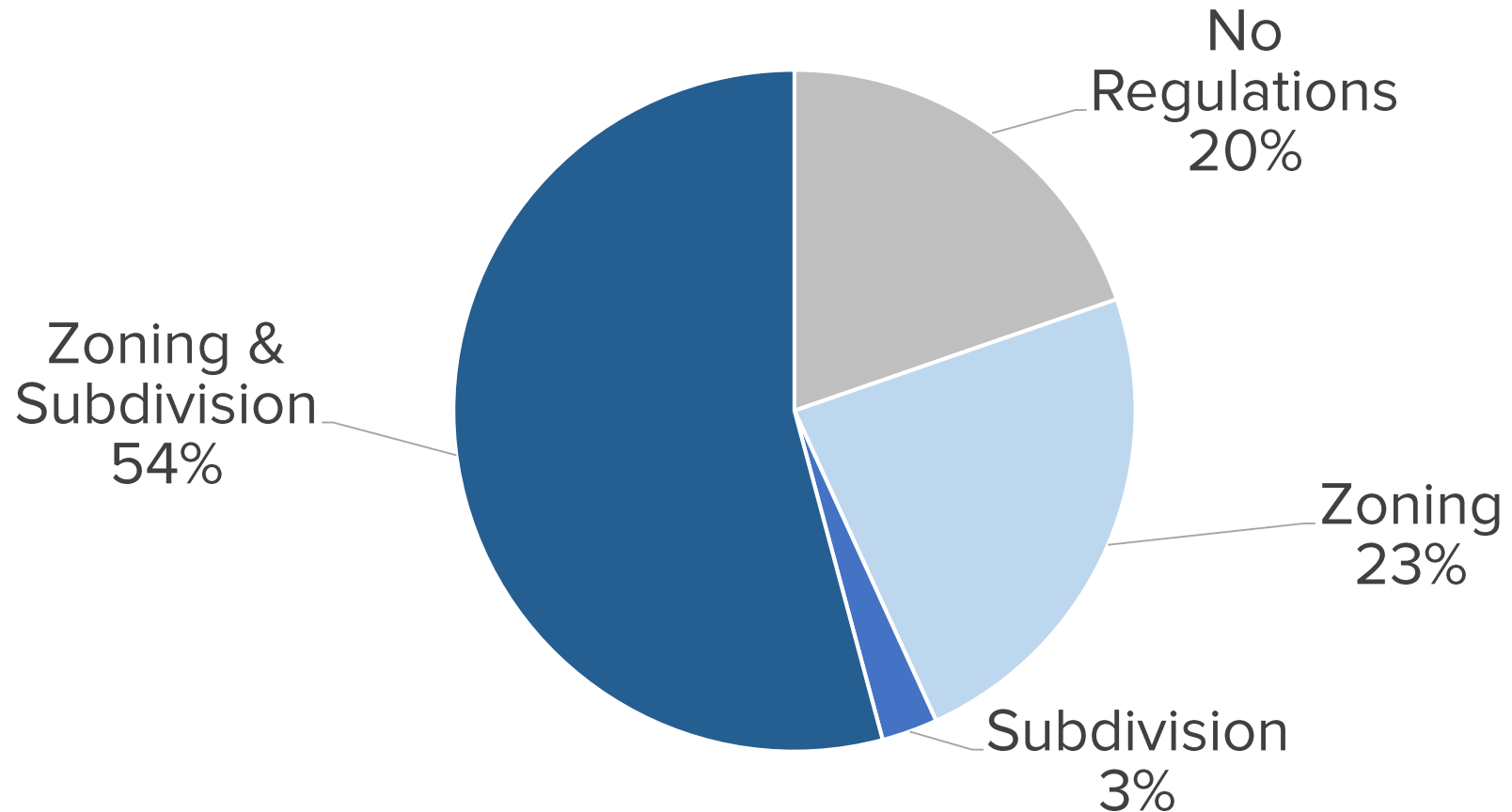
24 V.S.A. §4410

- Bylaws in conformance with the plan
- Adopted for the purposes set forth in section 4302



# Municipal Regulations in Vermont

(As of September 2015)



# Regulatory Implementation of the Municipal Plan

24 V.S.A. §4414

Specifically authorized:

Forest zoning districts,  
permitting commercial  
forestry and related uses and  
prohibiting all other land  
development.

# Regulatory Implementation of the Municipal Plan

24 V.S.A. §4410-4414

... a municipality may utilize any or all of the tools provided in this subchapter and any other regulatory tools or methods not specifically listed.

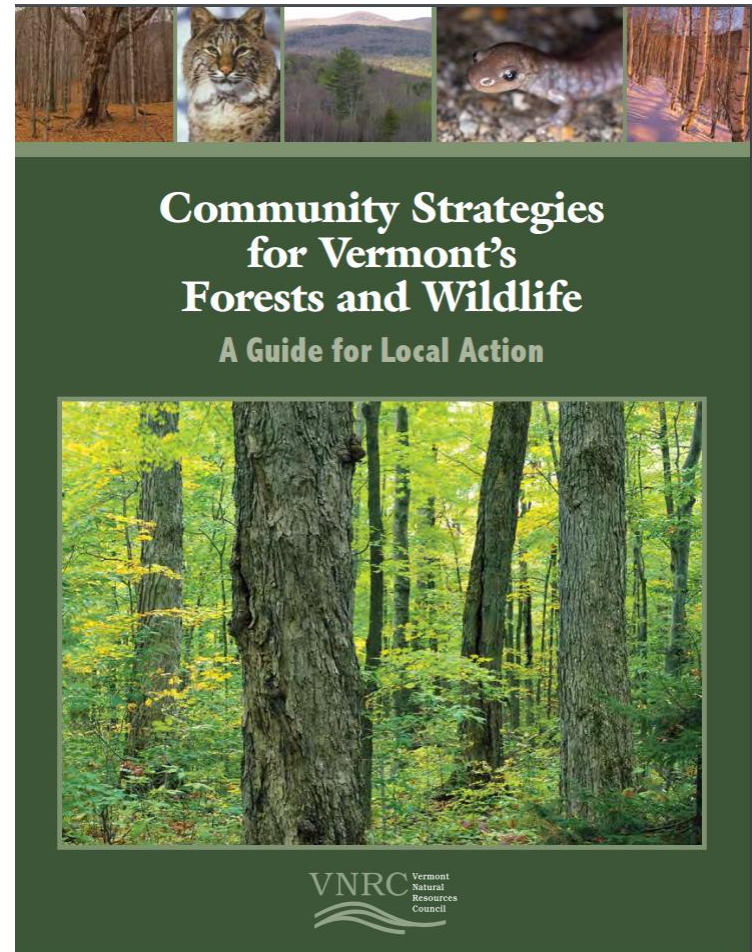
Note: Limitations on Municipal Regulations amended 24 V.S.A. §4413



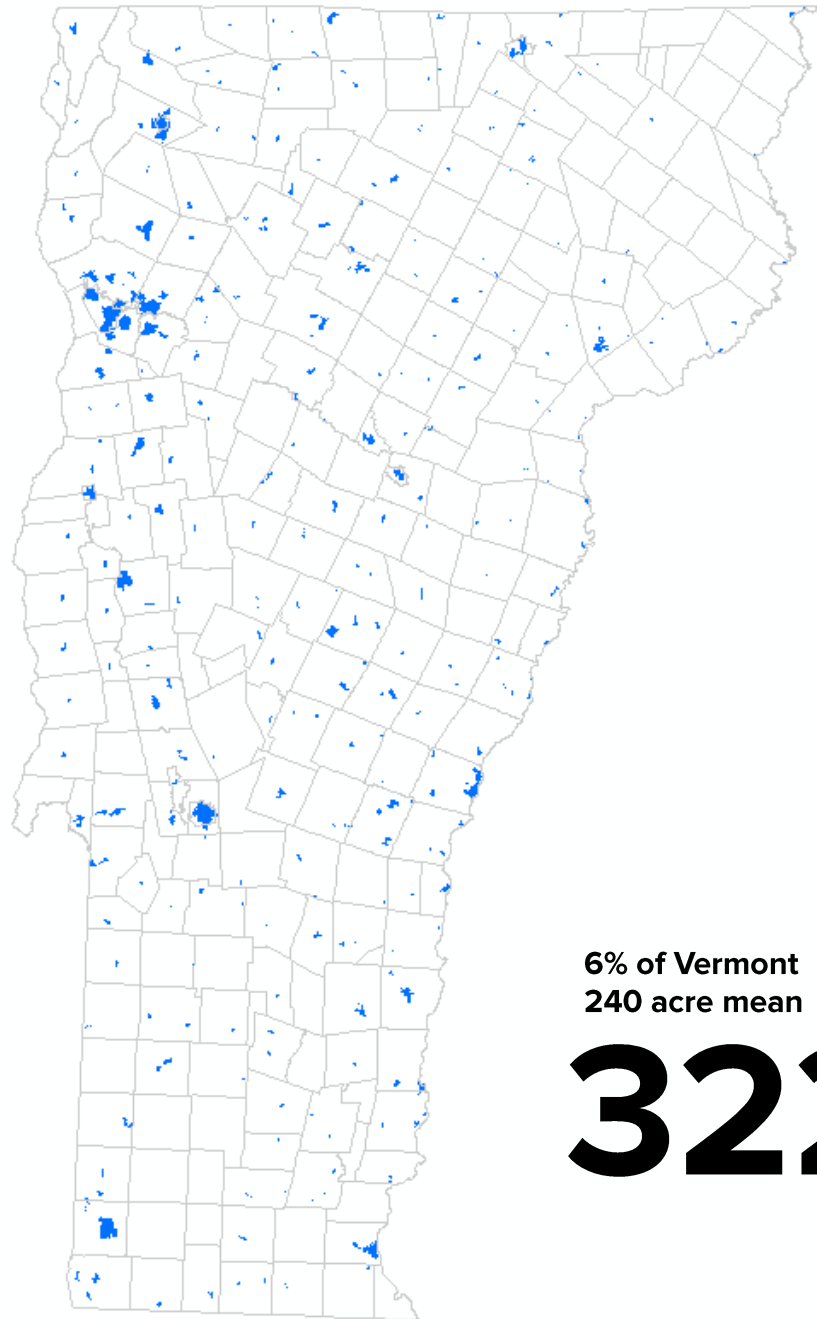
# Regulatory Implementation of the Municipal Plan

24 V.S.A. §4410-4414

- Forest Zoning Districts
- Natural Resources Overlays
- Conservation Subdivisions
- Road Policies



# Community Centers

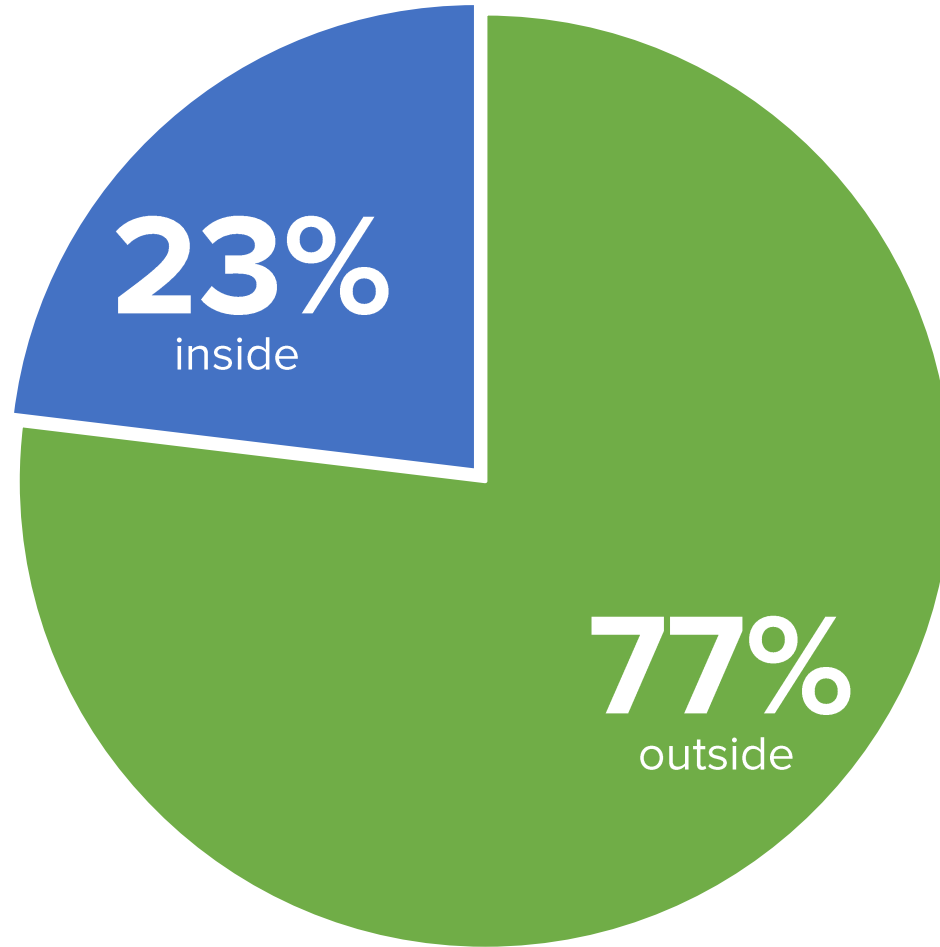


6% of Vermont  
240 acre mean

**322**

# Residential Growth 2004-2014

Residential Structures











**Parking  
For  
Drive-Thru  
Service  
Only**

**Thank You**

Clarity is critical.

**“When it comes to planning, if you’re not doing it with people- they think you are doing it to them.”**

Roger Millar, AICP  
National Complete Streets Coalition

Don't forget about community buy in.

Module 1:

# The Municipal Plan

PLANNING MANUAL JANUARY 2016

